

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS : CONSOLIDATED UNDER  
LIABILITY LITIGATION (No. VI) : MDL 875

ROBERT DALE LESTER,

Plaintiff

**FILED**

SEP - 6 2011:

CIVIL ACTION  
No. 09-74426

v.

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

CSX TRANSPORTATION, INC.,

: Transferred from the Southern  
: District of Georgia  
: 92-00072

Defendant.

**O R D E R**

**AND NOW**, this **1st** day of **September, 2011** it is hereby  
**ORDERED** that the Report and Recommendation issued by United  
States Magistrate Judge M. Faith Angell (doc. no. 19), filed on  
August 10, 2011, as to Defendant CSX Transportation, Inc.'s  
Motion to Dismiss for Duplicative Litigation (doc. no. 16) is  
**ADOPTED**.<sup>1</sup>

It is further **ORDERED** that Defendant CSX Transportation,  
Inc.'s Motion to Dismiss for Duplicative Litigation (doc. no. 16)  
is **GRANTED**. As Plaintiff acknowledges, he has a pending case in  
state court which asserts the same issues raised in this lawsuit.

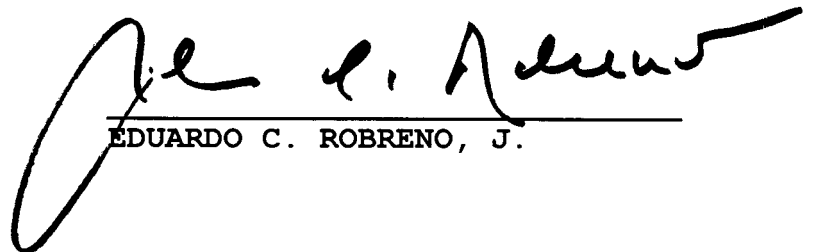
It is further **ORDERED** that this case be transferred to the  
bankruptcy-only docket and be marked **CLOSED**.

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<sup>1</sup> No objections were filed within fourteen (14) days as  
provided for by Local Rule of Civil Procedure 72.1.

Case No. 09-74426

AND IT IS SO ORDERED.



Handwritten signature of Eduardo C. Robreno, J. The signature is written in black ink and is highly stylized, with a large, sweeping initial 'E' and 'R'.

EDUARDO C. ROBRENO, J.